



Supreme Court of California
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NEWS RELEASE

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FOR IMMEDIATE RELEASE

October 3, 2014

Summary of Cases Accepted and Related Actions for Week of September 29, 2014

[This news release is issued to inform the public and the press of cases that the Supreme Court has accepted and of their general subject matter. The statement of the issue or issues in each case set out below does not necessarily reflect the view of the court, or define the specific issues that will be addressed by the court.]

#14-115 *Lee v. Hanley*, S220775. (G048501; 227 Cal.App.4th 1295, mod. 228 Cal.App.4th 793a; Orange County Superior Court; 30-2011-00532352.) Petition for review after the Court of Appeal reversed the judgment in a civil action. This case presents the following issue: Does the one-year statute of limitations for actions against attorneys set forth in California Code of Civil Procedure section 340.6 apply to a former client's claim against an attorney for reimbursement of unearned attorney fees advanced in connection with a lawsuit?

#14-116 *In re Robinson*, S141320. Original proceeding. In this case, which is related to the automatic appeal in *People v. Robinson* (2005) 37 Cal.4th 593, the court issued an order to show cause why petitioner is not entitled to relief because of jury misconduct.

#14-117 *Sierra Club v. County of Fresno*, S219783. (F066798; 226 Cal.App.4th 704; Fresno County Superior Court; 11CECG00706, 11CECG00709, 11CECG00726.) Petition for review after the Court of Appeal reversed the judgment in an action for writ of administrative mandate. This case presents issues concerning the standard and scope of judicial review under the California Environmental Quality Act. (CEQA; Pub. Resources Code, § 21000 et seq.)

#14-118 *Keshtgar v. U.S. Bank, N.A.*, S220012. (B246193; 226 Cal.App.4th 1201, mod. 227 Cal.App.4th 321c; San Luis Obispo County Superior Court; CV120282.) Petition for review after the Court of Appeal affirmed the judgment in a civil action. The court ordered briefing deferred pending decision in *Yvanova v. New Century Mortgage Corp.*, S218973 (#14-100), which presents the following issue: In an action for wrongful

foreclosure on a deed of trust securing a home loan, does the borrower have standing to challenge an assignment of the note and deed of trust on the basis of defects allegedly rendering the assignment void?

#14-119 *People v. Saetern*, S220790. (C066929; 227 Cal.App.4th 1456; Sacramento County Superior Court; 06F01200.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses. The court ordered briefing deferred pending decision in *In re Alatrisme*, S214652 (#14-21), and *In re Bonilla*, S214960 (#14-22), which include the following issues: (1) Did Senate Bill 260 (Reg. Sess. 2013-2014), which includes provisions for a parole suitability hearing after a maximum of 25 years for most juvenile offenders serving life sentences, render moot any claim that such a sentence violates the Eighth Amendment to the federal Constitution and that the petitioner is entitled to a new sentencing hearing applying the mitigating factors for such juvenile offenders set forth in *Miller v. Alabama* (2012) 567 U.S. ____ [132 S.Ct. 2455]? If not: (2) Does *Miller* apply retroactively on habeas corpus to a prisoner who was a juvenile at the time of the commitment offense and who is presently serving a sentence that is the functional equivalent of life without the possibility of parole? (3) Is a total term of imprisonment of 77 years to life (Alatrisme) or 50 years to life (Bonilla) for murder committed by a 16-year-old offender the functional equivalent of life without possibility of parole by denying the offender a meaningful opportunity for release on parole? (4) If so, does the sentence violate the Eighth Amendment absent consideration of the mitigating factors for juvenile offenders set forth in *Miller*?

STATUS

***People v. Townsel*, S022998.** The court directed supplemental briefing addressing the impact of the superior court's order dated June 12, 2014, acknowledging that the custodian is unable to produce the records the superior court reviewed in ruling on appellant's *Pitchess* motion. (see *Pitchess v. Superior Court* (1974) 11 Cal.3d 531.)

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The Supreme Court of California is the state's highest court and its decisions are binding on all other California state courts. The court's primary role is to decide matters of statewide importance and to maintain uniformity in the law throughout California by reviewing matters from the six districts of the California Courts of Appeal and the fifty-eight county superior courts (the trial courts). Among its other duties, the court also decides all capital appeals and related matters and reviews both attorney and judicial disciplinary matters.